



BOARD OF PUBLIC WORKS & SAFETY FEBRUARY 10, 2005 MINUTES

Board member Warren Beville called the meeting to order at 8:30 a.m.

PRESENT:	Board members Warren Beville, Kevin Hoover; Clerk-Treasurer Jeannine Myers; City Attorney Shawna Koons-Davis; and Director of Engineering Paul Peoni. Mayor Charles Henderson was absent.
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Mr. Hoover moved to approve the minutes of January 20th as presented. Second by Mr. Beville. Vote: Ayes.

Pete Cleveland represented TKC Properties to ask for acceptance of a relocated sanitary sewer for Stones Bay Commercial. Mr. Cleveland gave a brief history of the project. The Stones Bay Commercial plat has been replatted, he stated, and the gravity main has been relocated. The work was recommended for acceptance last year by the Sanitation Department. Just this morning the as-builts and the maintenance bond were delivered to the Engineering Department, along with the Owner's Certification and inspection fee check. Mr. Peoni recounted that the Sanitation Superintendent had approved the work in the field in June, 2003 and told the Board that they are waiting for mylar as-builts and want to make sure the relocated easement is on the plat. After discussion Mr. Hoover moved to table the Stones Bay Commercial matter until the next meeting on February 24th. Second by Mr. Beville. Vote: Ayes.

For Stones Bay, Mr. Cleveland requested a second amendment to the Sewer Service Agreement. He recounted that as part of the relocation of the sanitary sewer main and land purchase, the development agreement between the Stones Bay condominium developer and the Stones Crossing commercial developer called for the transfer of the capacity for twelve condominiums eliminated from the condominium development to the commercial development. That would make the number of condominiums 88 instead of 100 under the amended plat, which would be approximately 12.9 EDU that would need to be transferred. They are requesting the amendment to the Sewer Service Agreement and will submit a supplemental engineer's report to confirm those numbers. Mr. Cleveland does not know whether this could be ready in two weeks, so discussion moved to his third item of business. The Board will decide when to consider all these matters.

Mr. Cleveland represented MJ Allen Developments, LLC for the Commons at the Enclave at Stones Crossing to request transfer of sewer capacity for that project and land to lots #6, #7 and #8 at the Stones Crossing Commercial Center. He related that MJ Allen Developments obtained a Sewer Service Agreement in 2003 for a 41-lot residential subdivision called the Commons at the Enclave. That project did not move forward, Mr. Cleveland added, and the Sewer Service Agreement expired in June, 2004. MJ Allen Developments wants permission to apply for a Sewer Service Agreement for lots 6, 7, & 8 and consideration of the credit for 15 Year Law fees from the Enclave Project to lots 6, 7 & 8. There is a separate question about Sewer Availability Fees. Mr. Allen has since sold the Commons at the Enclave land to another developer. From the audience, attorney Ray Goode spoke. He has been retained by the successor/owner of the Commons at the Enclave real estate and had copies of the warranty deed. Mr. Goode's opinion was that the Sewer Service Agreement would stay with the land. Mr. Hoover stated that he was not sure he agreed but thought the City had an obligation to return funds once the Sewer Service Agreement expired. The City Attorney noted that the City has no provisions for what happens if the agreement expires and fees are already paid, but by statute, once the City collects the 15 year Law fees we must pay them within 60 days to the 15 Year Law developer. Ms. Koons-Davis will do further research and issue a written memorandum. Mr. Hoover, asking Mr. Cleveland's acquiescence, moved to table the Stones Bay condominium matter regarding the Commons at the Enclave at Stones Crossing, as well as the Stones Bay issue to the first meeting in March (March 10th). Second by Mr. Beville. Vote: Ayes.

Donna Smithers of Mauer & Smithers came forward on behalf of Village Commons IV Commercial Development to request acceptance of a Grant of Right-of-Way. Mr. Hoover moved to accept this, subject to Engineering Department's final review and approval. Second by Mr. Beville. Vote: Ayes.

Rusty Spiars of Woolpert, for Greenwood Springs, discussed the signalization on Emerson Avenue near the proposed Wal-Mart. He gave a brief background, recalling that only one site, the Holiday Inn Express, was developed. Regency Centers is the new developer and will be reworking the site. They are asking for a land alteration permit. Mr. Spiars referred to a rendering to discuss the signalization proposal. Plans went to the Plan Commission in early November and were given approval based on comments from staff. Mr. Spiars went on to discuss the proposed signalization and traffic flow, as well as relocation of infrastructure and finishing of road work. Mr. Peoni indicated he was comfortable with the plan, subject to final review. He stated that the Plan Commission wanted the Board to be aware of the plans. The developer is paying all the upfront cost for the installation of the signals, which will then need to be put on our maintenance agreement with Midwestern Electric after acceptance by the City.

Tony Kempf was next on the agenda to request a release of the Sewer Availability Fee Letter-of-Credit for the dental office at State Road 135 and Stones Crossing Road. Bulletin 13 still has not been updated by the State. Ms. Koons-Davis noted that Mr. Kempf would need to renew his (Letter-of-Credit) guarantee or pay the full fee, since it has been three years. The Board members suggested that Mr. Kempf and others affected by Bulletin 13 contact their State representatives.

On his Status of Tasks, Mr. Peoni first told the Board that the developer of the Chateau at Woodfield, Section 2 is asking the Board to accept the Inspection & Testing Agreement, both for sanitary and all other improvements, and ratify the acceptance of the 50% fees. Mr. Peoni confirmed that everything is in order. Mr. Hoover moved to accept the Inspection & Testing Agreements for the Chateau at Woodfield, Section 2 as discussed and ratify acceptance of the checks. Second by Mr. Beville. Vote: Ayes.

Mr. Peoni reported that the City Attorney has prepared the paperwork for the dedication of right-of-way for the Starbucks site at Emerson Avenue and Main Street and confirmed that the legal description is correct. Mr. Beville moved to accept the dedication of right-of-way from the entity for Starbucks, MAP Main Street, LLC, as described. Second by Mr. Hoover. Vote: Ayes.

For the Greenwood Springs, Replat of Block One (Regency Realty Group) Mr. Peoni noted that the performance bonds were conditionally approved at the January 20, 2005 Board meeting, however, at that time bond numbers were not known. He asked that the performance bond numbers and amounts officially be put on record. The amounts and improvements shown are correct. Form revisions have been made per the request of the City Attorney. Mr. Hoover moved to:

- 1) Accept performance bond #104323642 from Travelers Casualty and Surety Company of America in the amount of \$1,652,802 for the installation of the dirtwork and storm sewers at Greenwood Springs, Replat of Block One.
- 2) Accept performance bond #104452323 from Travelers Casualty and Surety Company of America in the amount of \$62,425 for the installation of the erosion control at Greenwood Springs, Replat of Block One.
- 3) Accept performance bond #104452324 from Travelers Casualty and Surety Company of America in the amount of \$119,345 for the installation of the sanitary sewers at Greenwood Springs, Replat of Block One.
- 4) Accept performance bond #104452327 from Travelers Casualty and Surety Company of America in the amount of \$5,635 for the installation of the signs and monuments at Greenwood Springs, Replat of Block One.
- 5) Accept performance bond #104452325 from Travelers Casualty and Surety Company of America in the amount of \$690,640 for the installation of streets, including the asphalt surface for Wilson Drive at Greenwood Springs, Replat of Block One.
- 6) Accept performance bond #104452326 from Travelers Casualty and Surety Company of America in the amount of \$19,008 for the installation of sidewalks at Greenwood Springs, Replat of Block One.

Second by Mr. Beville. Vote: Ayes.

Mr. Peoni recounted that Gibraltar/Schrage Development Company was the original developer of Greenwood Springs, Block One. The property has now been sold to Regency Realty Group, Inc. to develop the Wal-Mart, Gander Mountain, Gas Station and Strip Center sites. Regency Realty Group has provided replacement performance bonds for this development, which Mr. Peoni lists in a memo. The first five items are to be released, as they were provided by Gibraltar/Schrage. Regency has also agreed

to post the maintenance bond for Wilson Drive, which the original developer was to have posted (Item #6). Mr. Hoover moved to:

- 1) Release performance bond #145169 from Frontier Insurance Company in the amount of \$275,000 for the installation of the dirtwork at Greenwood Springs, Block One.
- 2) Release performance bond #145173 from Frontier Insurance Company in the amount of \$624,000 for the installation of the storm sewers at Greenwood Springs, Block One.
- 3) Release performance bond #145168 from Frontier Insurance Company in the amount of \$2,600 for the installation of the surveying monuments at Greenwood Springs, Block One.
- 4) Release performance bond #145167 from Frontier Insurance Company in the amount of \$4,500 for the installation of the street signs at Greenwood Springs, Block One.
- 5) Release performance bond #146386 from Frontier Insurance Company in the amount of \$11,050 for the sidewalks along Wilson Drive at Greenwood Springs, Block One.
- 6) Accept three (3) year maintenance bond #104452328 from Travelers Casualty and Surety Company of America in the amount of \$43,361 for the stone base, asphalt base, asphalt binder and concrete curbs (streets – Wilson Drive) at Greenwood Springs, Block One, subject to:

- a) Law Department review and approval of the three (3) year maintenance bond.

Second by Mr. Beville. Vote: Ayes.

Again on the right turn lane for northbound Emerson Avenue at the proposed Starbucks, Mr. Peoni reported he had a quote from Midwestern Electric to relocate the traffic signal to accommodate that right turn lane. He understands that the Mayor presented the information to the Common Council last Monday to let them know that work will need to be funded.

At this point the Board recessed at 9:15 a.m. and reconvened at 9:25 a.m.

Human Resources Director Carolyn Gaier then presented proposals for the City's health insurance company. Andy Foster presented an overview of the bids from the current provider and three others. He pointed out that the bids were best guess estimates, as there were two more months of claims before the renewal on March 1st. However, he did not anticipate that the numbers would change significantly. They are recommending a change in the stop loss level from \$60,000 to \$70,000. Andy told the Board there was a significant break in the rates by implementing this change. The handout on the insurance bids is in the attachments of this meeting. Andy also recommended that the prescription rates be increased to \$10 for generic and \$20 for name brand from \$7 and \$14. Ms. Gaier told the Board that the providers they talked with said the transition should be smooth. They are recommending the 125 Plan also go with the new provider. Ms. Gaier also wants to start an Employee Assistance Program and is recommending the program with Community, which covers part-time employees, all volunteer firefighters and all full-time employees. The cost is \$36 per employee (for 330 employees). Mr. Beville moved to accept the bid of UGS for the health insurance and 125 Plan, agree with the prescription cost increase, and proceed with the EAP program as discussed in November, 2004. Second by Mr. Hoover. Mr. Gabehart reported departments being dissatisfied with an increase in prescription rates. Ms. Gaier recounted that when she came in 2002 the rates were intended to be at \$10 and \$20 and the rate was entered wrong by KBA. Prescriptions were up by around \$150,000 noted Ms. Gaier. Vote: Ayes.

Director of Operations Norm Gabehart presented claim #20 for Atlas Excavating on the Eastside Interceptor, Phase IIA, contingent upon review. The amount is \$102,851.48. The consultant has reviewed the claim, as well as staff, said Mr. Gabehart. It is within budget. Mr. Beville moved to approve the claim as discussed. Second by Mr. Hoover. Vote: Ayes. Mr. Gabehart told the Board that the contract amount currently is \$8,397,960.17. Regarding quantities in the field, estimates now are that the contract will increase by roughly \$190,000, he added. Mr. Hoover moved to approve the request of the Director of Operations to increase the contract amount by \$190,000. Second by Mr. Beville. Vote: Ayes.

Mr. Beville moved to accept the claims as presented through February 10, 2005. Second by Mr. Hoover. Vote: Ayes.

With no further business, the meeting adjourned at 9:40 a.m.